

ESTTA Tracking number: **ESTTA688111**

Filing date: **08/06/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Cool Gear International, LLC		
Entity	Corporation	Citizenship	Delaware
Address	10 Cordage Park Circle Suite 212 Plymouth, MA 02360 UNITED STATES		
Attorney information	Roberta Jacobs-Meadway Eckert Seamans Cherin & Mellott, LLC 50 S. 16 Street Two Liberty Place Philadelphia, PA 19102 UNITED STATES rjacobsmeadway@eckertseamans.com, jkirsch@eckertseamans.com Phone:215-851-8522		

Applicant Information

Application No	86360876	Publication date	07/21/2015
Opposition Filing Date	08/06/2015	Opposition Period Ends	08/20/2015
International Registration No.	NONE	International Registration Date	NONE
Applicant	Florian ENGHARD Habichtsweg 13C Frankfurt, D-60437 GERMANY		

Goods/Services Affected by Opposition

Class 021. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Utensils and containers for household and kitchen use, namely, drinking bottles of plastic; containers not of precious metal, namely, cups of plastic; mixing cups; parts of drinking bottles, namely, screw-on containers for drinking bottles; storage containers of plastic for storing foodstuffs; Drinking vessels; bottles and cups sold empty for storing, mixing, blending, shaking, cooling, dispensing and serving beverages, foods, and food and beverage ingredients, and parts of said bottles and cups; portable coolers for beverages and foods; bottles and cups incorporating a freezable cold pack for keeping foods and beverages cold


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1497764	Application Date	08/19/1987
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Registration Date	07/26/1988	Foreign Priority Date	NONE
Word Mark	COOL-GEAR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1987/08/08 First Use In Commerce: 1987/08/10 FOLDING CHAIRS WITH SEATS THAT ACT AS FOOD AND BEVERAGE COOLERS		

U.S. Registration No.	4593618	Application Date	12/14/2012
Registration Date	08/26/2014	Foreign Priority Date	NONE
Word Mark	COOL GEAR		
Design Mark			
Description of Mark	The mark consists of the word "cool" on top of the word "gear" both in lower case puffed letters on a darker background with two filled inverted water droplet shapes between the "o"s in the word "cool".		
Goods/Services	Class 011. First use: First Use: 2009/11/05 First Use In Commerce: 2009/11/05 Water filtration bottles sold empty; replacement filters for water filtration bottles		

U.S. Registration No.	4639939	Application Date	02/05/2014
Registration Date	11/18/2014	Foreign Priority Date	NONE
Word Mark	COOL GEAR		

Design Mark	COOL GEAR
Description of Mark	NONE
Goods/Services	<p>Class 011. First use: First Use: 2009/11/05 First Use In Commerce: 2009/11/05 Water filtration bottles sold empty; replacement filters for water filtration bottles</p> <p>Class 020. First use: First Use: 2001/01/10 First Use In Commerce: 2001/01/10 plastic lids and plastic caps for beverage containers, namely, reusable self-sealing lids for household use for cups, containers and the storage of food</p> <p>Class 021. First use: First Use: 2001/01/10 First Use In Commerce: 2001/01/10 Plastic water bottles sold empty; plastic drinkware and beverage ware, namely, plastic drinking glasses, plastic shot glasses, plastic old-fashioned glasses, plastic margarita glasses, plastic tumblers, plastic pilsners and plastic beer mugs; plastic food and beverage storage containers; kids products, namely, plastic squeezable drinking bottles sold empty and parts and fittings therefor, namely, valves and lids sold as a unit, plastic sipper bottles sold empty and parts and fittings therefor, namely, valves and lids sold as a unit; household plastic cereal containers for cereal and milk and parts and fittings therefor, namely, lids and folding spoon sold as a unit, and household plastic snack containers for both food and beverage and parts and fittings therefor, namely, lids and folding spoon sold together as a unit therewith; plastic beverage containers for household use sold with lids therefor; plastic travel mugs; plastic food storage containers sold empty; storage containers for household use; plastic drinking straws; freezable gel sticks for household use in the nature of cold packs used to keep food and drink cold</p>

Attachments	<p>85803131#TMSN.png(bytes) 86184746#TMSN.png(bytes) NOTICE OF OPPOSITION - COOLSTACK (M1406759).pdf(258085 bytes) EXHIBIT A TO NOTICE OF OPPOSITION - COOLSTACK (M1406761).pdf(1401649 bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Roberta Jacobs-Meadway/
Name	Roberta Jacobs-Meadway
Date	08/06/2015

DATE:_____

{M1405538.1}

namely, screw-on containers for drinking bottles; storage containers of plastic for storing foodstuffs; drinking vessels; bottles and cups sold empty for storing, mixing, blending, shaking, cooling, dispensing and serving beverages, foods, and food and beverage ingredients, and parts of said bottles and cups; portable coolers for beverages and foods; bottles and cups incorporating a freezable cold pack for keeping foods and beverages cold” in International Class 21 as evidenced by the publication of said mark in the Official Gazette on July 21, 2015.

2. The application herein opposed was filed on August 7, 2014, on the bases of Sections 1(b) and 44(e).

3. Opposer is and has been engaged in the development, manufacture and sale of a wide variety of containers for kitchen and household use, drinking bottles of plastic, plastic storage containers for food, and bottles incorporating a freezable gel component, and has built a successful business in connection therewith.

4. Since at least as early as August 8, 1987, Opposer has used COOL GEAR as a name and mark and as the dominant element of its names and marks for a variety of containers, including insulated beverage containers, plastic storage containers for food, and bottles incorporating a freezable gel component.

5. The nature and extent of Opposer’s use of its COOL GEAR names and marks can be seen at its website, www.coolgearinc.com.

6. Opposer has taken steps to protect its COOL GEAR marks and has secured, *inter alia*, U.S. Trademark Registrations No. 1,497,764, 4,593,618 and 4,639,939 for such marks for the goods identified therein. Registration No. 1,497,764 is valid and subsisting and incontestable. A copy of the pertinent information about such registrations from the PTO database showing status and title are attached as Exhibit A.

7. Opposer's registered COOL GEAR trademarks are inherently distinctive as applied to Opposer's goods.

8. Opposer's COOL GEAR names are inherently distinctive of Opposer's business in connection with the sale and promotion of its goods, including food and beverage containers and a wide range of plastic bottles sold empty.

9. Use of the COOL GEAR names and marks by Opposer has been continuous and commercially significant and substantially exclusive.

10. By virtue of Opposer's continuous use in commerce of its registered COOL GEAR trademarks and its COOL GEAR names and marks in connection with its goods and business, and the nature and extent of such use, such goods and business have become well and favorably known to the relevant trade and public under such marks and names and identify the goods and business of Opposer.

11. As Opposer is the owner of valid and subsisting U.S. trademark registrations for COOL GEAR, priority is not in issue.

12. In the application herein opposed, there are no restrictions on trade channels, so it must be presumed that the goods identified in the application will travel through all trade channels appropriate for goods of that type.

13. Applicant's proposed mark as applied for in connection with "utensils and containers for household and kitchen use, namely, drinking bottles of plastic; containers not of precious metal, namely, cups of plastic; mixing cups; parts of drinking bottles, namely, screw-on containers for drinking bottles; storage containers of plastic for storing foodstuffs; drinking vessels; bottles and cups sold empty for storing, mixing, blending, shaking, cooling, dispensing and serving beverages, foods, and food and beverage ingredients, and parts of said bottles and cups; portable coolers for beverages and foods; bottles and cups incorporating a freezable cold

pack for keeping foods and beverages cold” in International Class 21 is confusingly similar to Opposer’s registered COOL GEAR trademarks, and to Opposer’s COOL GEAR names and marks as used in connection with Opposer’s goods and business.

14. The COOL GEAR and COOLSTACK names and marks are confusingly similar in appearance and connotation.

15. Applicant’s mark merely follows “COOL” with “STACK” instead of “GEAR”, suggesting that the Applicant’s product is a line extension of Opposer’s storage containers which stack, and which line extension is licensed by or otherwise affiliated or associated with Opposer.

16. The marks are also confusingly similar by virtue of the identity of the first and dominant element of each name and mark, the word “COOL”, which creates a shared dual connotation, *i.e.*, products that keep cold contents cold and products that are “cool” as in hip, trendy, hot, or otherwise relevant in the current marketplace.

17. The marks and names are also confusingly similar by virtue of the known association of “gear” and “stacking” in the context of gaming.

18. The overall commercial impression between the marks accordingly is confusingly similar.

19. The Applicant’s goods as identified in the application herein opposed, are goods which are the same as and closely related to goods sold by Opposer under its COOL GEAR marks and names, including particularly plastic bottles sold empty, storage containers for food, and bottles incorporating a freezable element.

20. Goods such as are sold by Opposer and such as are identified in the application herein opposed are customarily marketed through the same channels of trade to the same classes of purchasers.

21. Applicant's COOLSTACK trademark as applied to the goods identified in the application herein opposed so resembles Opposer's registered COOL GEAR trademarks and COOL GEAR names and marks, as used in connection with Opposer's goods and business, that it is likely to cause confusion, mistake, and/or deception as to source or sponsorship of the goods or as to the affiliation between the parties.

22. If Applicant is permitted to register COOLSTACK as a mark for the goods identified in the application herein opposed, confusion of the relevant trade and public is likely to result, which will damage and injure Opposer.

23. On seeing Applicant's COOLSTACK mark used in connection with Applicant's goods, purchasers and potential purchasers are likely to believe in error that such goods are offered by or in association with Opposer or that Opposer and Applicant are affiliated.

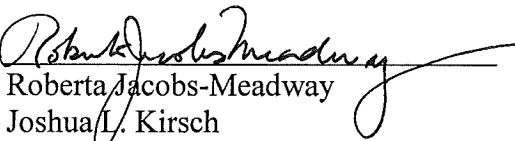
24. Any defect, objection to, or fault found with Applicant's goods identified in the application herein opposed and sold under the COOLSTACK mark would reflect on and injure the reputation that Opposer has established for its goods and business.

25. If Applicant is granted a registration for the mark herein opposed for the goods identified therein, it would obtain thereby at least a *prima facie* exclusive right to use the mark for such goods. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, Cool Gear International, LLC prays that registration of the mark of Application Serial No. 86/360,876 for the goods identified therein be refused and that this Opposition be sustained.

Respectfully submitted,

Dated: August 6, 2015

By 
Roberta Jacobs-Meadway
Joshua L. Kirsch
Jenna P. Torres
ECKERT SEAMANS CHERIN & MELLOTT,
LLC
Two Liberty Place
50 S. 16th Street, 22nd Floor
Philadelphia, PA 19102
(215) 851-8522

ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached Notice of Opposition was served on correspondent for the Applicant on the date listed below via email and U.S. Mail:

Walter F. Fasse, Esquire
Fasse Patent Attorneys, P.A.
P.O. Box 726
Hampden, Maine 04444-0726
fassepat@tds.net

Dated: August 6, 2015

By: _____

John Metzger

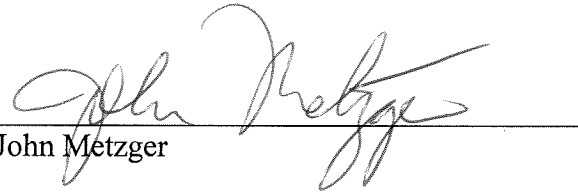
A handwritten signature in dark ink, appearing to read "John Metzger", is written over a horizontal line. The signature is fluid and cursive.

EXHIBIT A

Generated on: This page was generated by TSDR on 2015-08-04 15:50:42 EDT

Mark: COOL-GEAR

US Serial Number: 73679419
US Registration Number: 1497764
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Oct. 23, 2007
Publication Date: May 03, 1988
Application Filing Date: Aug. 19, 1987
Registration Date: Jul. 26, 1988

Mark Information

Mark Literal Elements: COOL-GEAR
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services.
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: FOLDING CHAIRS WITH SEATS THAT ACT AS FOOD AND BEVERAGE COOLERS

International Class(es): 020 - Primary Class

U.S Class(es): 002, 032

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 08, 1987

Use In Commerce: Aug. 10, 1987

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: COOL GEAR INTERNATIONAL, LLC
Owner Address: 10 Cordage Park Circle, Suite 212
Plymouth, MASSACHUSETTS 02360
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record
Attorney Name: ROBERTA JACOBS-MEADWAY
Docket Number: 893094
Attorney Primary Email: jacobsmeadwayr@ballardspahr.com
Attorney Email: Yes

Address:

Authorized:

Correspondent

Correspondent Roberta Jacobs-Meadway, Esq.
 Name/Address: Eckert Seamans Cherin & Mellot, LLC
 50 South 18th Street
 Two Liberty Place, 22nd Floor
 PHILADELPHIA, PENNSYLVANIA 19102
 UNITED STATES

Phone: 215-851-8522

Fax: 215-851-8383

Correspondent e-mail: lpdockel@eckertseamans.com rjacobsmeadway@eckertseaman.com
lnocella@eckertseamans.com

Correspondent e-mail Yes
 Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 26, 2015	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Feb. 26, 2015	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 07, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Feb. 26, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 29, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 25, 2008	CASE FILE IN TIGRS	
Apr. 03, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 23, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	61619
Oct. 23, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Oct. 10, 2007	ASSIGNED TO PARALEGAL	61619
Oct. 01, 2007	TEAS SECTION 8 & 9 RECEIVED	
Aug. 09, 2006	REVIEW OF CORRESPONDENCE COMPLETE	68916
Apr. 04, 2002	PAPER RECEIVED	
Dec. 27, 1993	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Aug. 12, 1993	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 26, 1988	REGISTERED-PRINCIPAL REGISTER	
May 03, 1988	PUBLISHED FOR OPPOSITION	
Apr. 05, 1988	NOTICE OF PUBLICATION	
Feb. 29, 1988	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 17, 1988	EXAMINERS AMENDMENT MAILED	
Jan. 25, 1988	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Dec. 01, 1987	NON-FINAL ACTION MAILED	
Nov. 19, 1987	ASSIGNED TO EXAMINER	61272

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 26, 2008

TM Staff and Location Information

TM Staff Information - None
 File Location

Current Location: SCANNING ON DEMAND

Date in Location: Jun. 25, 2008

Assignment Abstract Of Title Information

Summary

Total Assignments: 3

Registrant: FUN DESIGNS, INC.

Assignment 1 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 2490/0253

Pages: 2

Date Recorded: Apr. 02, 2002

Supporting Documents: assignment-lm-2490-0253.pdf

Assignor

Name: FUN DESIGNS, INC.

Execution Date: Apr. 01, 2002

Legal Entity Type: CORPORATION

State or Country Where
Organized: NEW JERSEY

Assignee

Name: COOL GEAR INTERNATIONAL INC.

Legal Entity Type: CORPORATION

State or Country Where
Organized: MASSACHUSETTS

Address: 42 TREMONT STREET
DUXBURY, MASSACHUSETTS 02332

Correspondent

Correspondent Name: BALLARD SPAHR ANDREWS & INGERSOLL LLP

Correspondent Address: ROBERTA JACOBS-MEADWAY, ESQUIRE
1735 MARKET STREET, 51ST FLOOR
PHILADELPHIA, PA 19103-7599

Domestic Representative - Not Found

Assignment 2 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 4436/0480

Pages: 4

Date Recorded: Dec. 20, 2010

Supporting Documents: assignment-lm-4436-0480.pdf

Assignor

Name: COOL GEAR INTERNATIONAL, INC.

Execution Date: Dec. 01, 2010

Legal Entity Type: CORPORATION

State or Country Where
Organized: MASSACHUSETTS

Assignee

Name: COOL GEAR INTERNATIONAL, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Address: 165 TOWNSHIP LINE ROAD, SUITE 2100
C/O RAF INDUSTRIES, INC.
JENKINTOWN, PENNSYLVANIA 19046

Correspondent

Correspondent Name: JACOB R. BISHOP

Correspondent Address: DECHERT LLP
CIRA CENTRE, 2929 ARCH STREET
PHILADELPHIA, PA 19104-2808

Domestic Representative - Not Found

Assignment 3 of 3

Conveyance: GRANT OF A SECURITY INTEREST - TRADEMARKS

Reel/Frame: 5429/0497

Pages: 7

Date Recorded: Dec. 24, 2014

Supporting Documents: assignment-lm-5429-0497.pdf

Assignor

Name: COOL GEAR INTERNATIONAL, LLC

Execution Date: Dec. 22, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Assignee

Name: CERBERUS BUSINESS FINANCE, LLC, AS COLLATERAL AGENT

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Address: 875 THIRD AVENUE
NEW YORK, NEW YORK 10022

Correspondent

Correspondent Name: S. KAREFF C/O SCHULTE ROTH & ZABEL LLP

Correspondent Address: 919 THIRD AVENUE
22ND FLOOR
NEW YORK, NY 10022

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 9

Type of Proceeding: Opposition

Proceeding Number: 91222259

Filing Date: Jun 05, 2015

Status: Pending

Status Date: Jun 05, 2015

Interlocutory Attorney: GEOFFREY MCNUTT

Defendant

Name: Copeland William C

Correspondent Address: COPELAND WILLIAM C
2233 KIM DR
CLARKSVILLE TN , 37043-1922
UNITED STATES

Correspondent e-mail: rocketluge@charter.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
COOL CHAIR PAK	Opposition Pending Plaintiff(s)	<u>86463973</u>	

Name: Cool Gear International

Correspondent Address: ROBERTA JACOBS-MEADWAY
ECKERT SEAMANS CHERIN & MELLOTT LLC
50 S 16TH STREETTWO LIBERTY PLACE
PHILADELPHIA PA , 19102
UNITED STATES

Correspondent e-mail: rjacobsmeadway@eckertseamans.com , lpdocket@eckertseamans.com , klirsch@eckertseamans.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
COOL-GEAR	Renewed	<u>73679419</u>	<u>1497764</u>
COOL GEAR	Cancelled - Section 8	<u>76976945</u>	<u>2912611</u>
COOL GEAR	Registered	<u>85803131</u>	<u>4593618</u>

Prosecution History		Date	Due Date
Entry Number	History Text		
1	FILED AND FEE	Jun 05, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 05, 2015	Jul 15, 2015
3	PENDING, INSTITUTED	Jun 05, 2015	
4	P MOT FOR DEFAULT JUDGMENT	Jul 21, 2015	

Type of Proceeding: Opposition

Proceeding Number: 91222008

Filing Date: May 19, 2015

Status: Pending

Status Date: May 19, 2015

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: William C Copeland

Correspondent Address: WILLIAM C COPELAND
2233 KIM DR
CLARKSVILLE TN , 37043-1922
UNITED STATES

Correspondent e-mail: rocketluge@charter.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
COOL CHAIR BAG	Opposition Pending Plaintiff(s)	<u>86355721</u>	

Name: Cool Gear International, LLC

Correspondent Address: ROBERTA JACOBS MEADWAY
ECKERT SEAMANS CHERIN & MELLOTT LLC
50 SOUTH 16TH STREET, 22ND FLOOR TWO LIBERTY PLACE
PHILADELPHIA PA , 19102
UNITED STATES

Correspondent e-mail: rljacobsmeadway@eckertseamans.com , klirsch@eckertseamans.com , lpdocket@eckertseamans.com ,
afleisher@eckertseamans.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
COOL-GEAR	Renewed	<u>73679419</u>	<u>1497764</u>
COOL GEAR	Cancelled - Section 8	<u>76976945</u>	<u>2912611</u>
COOL GEAR	Registered	<u>85803131</u>	<u>4593618</u>
Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 19, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 19, 2015	Jun 28, 2015
3	PENDING, INSTITUTED	May 19, 2015	
4	P MOT FOR DEFAULT JUDGMENT	Jul 06, 2015	

Type of Proceeding: Opposition

Proceeding Number: 91220879

Filing Date: Mar 02, 2015

Status: Terminated

Status Date: May 27, 2015

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: Ningbo Freewings Communication Technologies Co., Ltd.

Correspondent Address: AMANDA LI
NO 3 TSUN WEN ROAD
UNIT B5 1/F, TAK WING INDUSTRIAL BLDG
TUEN MUN NT HONG KONG

Correspondent e-mail: Info@l-mark.com.hk

Associated marks			
Mark	Application Status	Serial Number	Registration Number
COOLWAVEZ	Abandoned - After Inter-Partes Decision	<u>86311413</u>	
Plaintiff(s)			

Name: Cool Gear International LLC

Correspondent Address: JOSHUA L KIRSCH
ECKERT SEAMANS CHERIN & MELLOTT LLC
50 S 16TH STREET, 22ND FLOOR, TWO LIBERTY PLACE
PHILADELPHIA PA , 19102
UNITED STATES

Correspondent e-mail: lpdocket@eckertseamans.com , rljacobsmeadway@eckertseamans.com , klirsch@eckertseamans.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
COOL-GEAR	Renewed	<u>73679419</u>	<u>1497764</u>
COOL GEAR	Cancelled - Section 8	<u>76976945</u>	<u>2912611</u>
COOL GEAR	Registered	<u>85803131</u>	<u>4593618</u>
Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 02, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 03, 2015	Apr 12, 2015
3	PENDING, INSTITUTED	Mar 03, 2015	
4	P MOT FOR DEFAULT JUDGMENT	Apr 21, 2015	
5	BD DECISION: SUSTAINED	May 27, 2015	
6	TERMINATED	May 27, 2015	

Type of Proceeding: OppositionProceeding Number: 91218671

Filing Date: Oct 03, 2014

Status: Terminated

Status Date: Feb 17, 2015

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Product Architects, Inc.

Correspondent Address: BETSY PROFFITT
HOLLAND & HART LLP
PO BOX 8749
DENVER CO , 80201-8749
UNITED STATES

Correspondent e-mail: docket@hollandhart.com , shavilck@hollandhart.com , hihamilton@hollandhart.com , bdproffitt@hollandhart.com , lmroot@hollandhart.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
COOL 1	Abandoned - After Inter-Partes Decision	86205374	
Plaintiff(s)			

Name: Cool Gear International, LLC

Correspondent Address: ROBERTA JACOBS MEADWAY
ECKERT SEAMANS CHERIN & MELLOTT LLC
50 SOUTH 16TH STREET TWO LIBERTY PLACE, 22ND FLOOR
PHILADELPHIA PA , 19102
UNITED STATES

Correspondent e-mail: rjacobsmeadway@eckertseamans.com , lkirsch@eckertseamans.com , lpdocket@eckertseamans.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
COOL-GEAR	Renewed	73679419	1497764
COOL GEAR	Cancelled - Section 8	76976945	2912611
COOL GEAR	Registered	85803131	4593618

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 03, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 03, 2014	Nov 12, 2014
3	PENDING, INSTITUTED	Oct 03, 2014	
4	STIP FOR EXT	Nov 05, 2014	
5	EXTENSION OF TIME GRANTED	Nov 05, 2014	
6	ANSWER	Dec 12, 2014	
7	P MOT FOR EXT W/ CONSENT	Jan 07, 2015	
8	W/DRAW OF APPLICATION W/ CONSENT	Jan 16, 2015	
9	BD DECISION: DISMISSED W/O PREJ	Feb 17, 2015	
10	TERMINATED	Feb 17, 2015	

Type of Proceeding: OppositionProceeding Number: 91192562

Filing Date: Nov 05, 2009

Status: Terminated

Status Date: Feb 05, 2010

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: Coolworks, LLC

Correspondent Address: Allen B. Boeller
Law Offices of Allen B. Boeller
4640 Admiralty Way Ste 500
Marina del Rey CA , 90292-6636
UNITED STATES

Correspondent e-mail: al@boellerlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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COOLWORKS

Abandoned - No Statement Of Use Filed

77603464

Plaintiff(s)

Name: Cool Gear International, Inc.

Correspondent Address: Roberta Jacobs-Meadway
Eckert Seamans Cherin & Mellott LLC
50 S 16th St Fl 2
Philadelphia PA , 19102
UNITED STATES

Correspondent e-mail: rjacobsmeadway@eckertseamans.com

Associated marks	Application Status	Serial Number	Registration Number
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COOL-GEAR	Renewed	73679419	1497764
COOL GEAR	Cancelled - Section 8	76976945	2912611

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 05, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 05, 2009	Dec 15, 2009
3	PENDING, INSTITUTED	Nov 05, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Nov 19, 2009	
5	EXTENSION OF TIME GRANTED	Nov 19, 2009	
6	AMENDED ANSWER	Jan 14, 2010	
7	BD'S DECISION: DISMISSED W/O PREJUDICE	Feb 05, 2010	
8	TERMINATED	Feb 05, 2010	

Type of Proceeding: Opposition

Proceeding Number: 91192563

Filing Date: Nov 05, 2009

Status: Terminated

Status Date: Jan 19, 2010

Interlocutory Attorney: ANN LINNEHAN VOGLER

Defendant

Name: Coolworks, LLC

Correspondent Address: OMID A. MANTASHI
LAW OFFICES OF OMID A. MANTASHI
360 GRAND AVE STE 90
OAKLAND CA , 94610-4840
UNITED STATES

Correspondent e-mail: al@boelterlaw.com

Associated marks	Application Status	Serial Number	Registration Number
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COOLWARE	Abandoned - No Statement Of Use Filed	77603458	
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Plaintiff(s)

Name: Cool Gear International, Inc.

Correspondent Address: Roberta Jacobs-Meadway
Eckert Seamans Cherin & Mellott, LLC
Two Liberty Place50 S. 16th Street, 22nd Floor
Philadelphia PA , 19102
UNITED STATES

Correspondent e-mail: rjacobsmeadway@eckertseamans.com

Associated marks	Application Status	Serial Number	Registration Number
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COOL-GEAR	Renewed	73679419	1497764
COOL GEAR	Cancelled - Section 8	76976945	2912611

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 05, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 05, 2009	Dec 15, 2009

3	PENDING, INSTITUTED	Nov 05, 2009
4	STIPULATION FOR AN EXTENSION OF TIME	Nov 19, 2009
5	EXTENSION OF TIME GRANTED	Nov 19, 2009
6	DEF'S AMENDMENT OF APPLICATION WITH CONSENT	Jan 14, 2010
7	BD'S DECISION: DISMISSED W/O PREJUDICE	Jan 19, 2010
8	TERMINATED	Jan 19, 2010

Type of Proceeding: Opposition

Proceeding Number: 91190019

Filing Date: May 01, 2009

Status: Terminated

Status Date: Jul 29, 2009

Interlocutory Attorney: ANN LINNEHAN VOGLER

Defendant

Name: Blener, Marjorie

Correspondent Address: BIENER, MARJORIE
20 CHAPEL PL APT 1J
GREAT NECK NY , 11021-1406
UNITED STATES

Correspondent e-mail: marjorie@coolrgear.com

Mark	Application Status	Serial Number	Registration Number
COOLRGEAR	Abandoned - After Inter-Partes Decision	77570885	
Plaintiff(s)			

Name: Cool Gear International, Inc.

Correspondent Address: Roberta Jacobs-Meadway
Eckert Seamans Cherin & Mellott, LLC
Two Liberty Place 50 South 18th Street, 22nd Floor
Philadelphia PA , 19102
UNITED STATES

Correspondent e-mail: rljacobsmeadway@eckertseamans.com

Mark	Application Status	Serial Number	Registration Number
COOL-GEAR	Renewed	73679419	1497764
E-Z FREEZE	Renewed	76437879	2887157
COOL GEAR	Cancelled - Section 8	76976945	2912611

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 01, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 01, 2009	Jun 10, 2009
3	PENDING, INSTITUTED	May 01, 2009	
4	P'S MOTION FOR DEFAULT JUDGEMENT	Jun 17, 2009	
5	SUSPENDED	Jun 18, 2009	
6	BOARD'S DECISION: SUSTAINED	Jul 29, 2009	
7	TERMINATED	Jul 29, 2009	

Type of Proceeding: Extension of Time

Proceeding Number: 76355599

Filing Date: Oct 15, 2002

Status: Terminated

Status Date: Oct 15, 2002

Interlocutory Attorney:

Defendant

Name: PACIFIC INDUSTRIES (FAR EAST) LTD.

Correspondent Address: THOMAS I. ROZSA
ROZSA & CHEN LLP
15910 VENTURA BLVD STE 1601
ENCINO CA , 91436-2815
UNITED STATES

Mark	Application Status	Serial Number	Registration Number
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COOLGEAR

Abandoned - After Inter-Partes Decision

76355599

Potential Opposer(s)

Name: Fun Designs, Inc

Correspondent Address: Jordan A. LaVine
Akin, Gump, Strauss, Hauer & Feld, LLP
One Commerce Sq., Suite 2200, 2005 Market St.
Philadelphia PA, 19103-7086
UNITED STATES

Name: COOL GEAR INTERNATIONAL, INC.

Correspondent Address: Roberta Jacobs Meadway
Ballard Spahr Andrews & Ingersoll, LLP
1735 Market Street - 51st Floor
PHILADELPHIA PA, 19103
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
COOL-GEAR	Renewed	73679419	1497764

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Sep 30, 2002	
2	EXTENSION OF TIME GRANTED	Oct 15, 2002	

Type of Proceeding: Opposition

Proceeding Number: 91153219

Filing Date: Sep 16, 2002

Status: Terminated

Status Date: May 16, 2003

Interlocutory Attorney: DAVID M MERMELSTEIN

Defendant

Name: PACIFIC INDUSTRIES (FAR EAST) LTD.

Correspondent Address: THOMAS I. ROZSA
ROZSA & CHEN LLP
15910 VENTURA BLVD STE 1601
ENCINO CA, 91436-2815
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
COOLGEAR	Abandoned - After Inter-Partes Decision	76355599	

Plaintiff(s)

Name: COOL GEAR INTERNATIONAL, INC.

Correspondent Address: ROBERTA JACOBS MEADWAY
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
1735 MARKET STREET - 51ST FLOOR
PHILADELPHIA PA, 19103
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
COOL-GEAR	Renewed	73679419	1497764

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 16, 2002	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 24, 2002	Dec 03, 2002
3	PENDING, INSTITUTED	Oct 24, 2002	
4	ANSWER	Nov 28, 2002	
5	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 10, 2003	
6	Req approved; ldr	Apr 29, 2003	
7	WITHDRAWAL OF APPLICATION	May 02, 2003	
8	BD'S DECISION: DISMISSED W/O PREJUDICE	May 16, 2003	
9	TERMINATED	May 16, 2003	

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Mark: COOL GEAR



US Serial Number: 85803131
US Registration Number: 4593618

Application Filing Date: Dec. 14, 2012

Registration Date: Aug. 26, 2014

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Aug. 26, 2014

Publication Date: Mar. 11, 2014

Notice of Allowance Date: May 06, 2014

Mark Information

Mark Literal Elements: COOL GEAR

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the word "cool" on top of the word "gear" both in lower case puffed letters on a darker background with two filled inverted water droplet shapes between the "o"s in the word "cool".

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "GEAR"

Design Search Code(s): 01.15.18 - More than one drop including teardrops or raindrops; multiple drops (rain, tear, etc.); Raindrops (more than a single drop);
Teardrops (more than a single drop)
02.11.13 - Hearts used as backgrounds or carriers

Related Properties Information

Claimed Ownership of US 1497764, 2912611, 3655486, 85981035 and others
Registrations:

Parent Of: 85981035

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Water filtration bottles sold empty; replacement filters for water filtration bottles

International Class(es): 011 - Primary Class

U.S Class(es): 013, 021, 023, 031, 034

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 05, 2009

Use In Commerce: Nov. 05, 2009

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: Yes

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Cool Gear International, LLC.
Owner Address: 10 Cordage Park Circle, Suite 212
Plymouth, MASSACHUSETTS 02360
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Roberta Jacobs-Meadway
Attorney Primary Email Address: rlacobsmeadway@eckertseamans.com

Docket Number: 297816-00048
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: ROBERTA JACOBS-MEADWAY
Eckert Seamans Cherin & Mellot, LLC
50 South 18th Street
Two Liberty Place, 22nd Floor
PHILADELPHIA, PENNSYLVANIA 19102
UNITED STATES

Phone: 215-851-8522
Correspondent e-mail: lpdocket@eckertseamans.com rlacobsmeadway@eckertseaman.com
lnocella@eckertseamans.com

Fax: 215-851-8383
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 26, 2015	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Feb. 26, 2015	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 07, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 26, 2014	REGISTERED-PRINCIPAL REGISTER	
Jul. 25, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Jul. 24, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jul. 23, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	71034
Jul. 01, 2014	STATEMENT OF USE PROCESSING COMPLETE	71034
Jun. 13, 2014	USE AMENDMENT FILED	
Jun. 13, 2014	TEAS STATEMENT OF USE RECEIVED	
May 07, 2014	NOA MAILED - SOU REQUIRED FROM APPLICANT	
May 06, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 11, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 11, 2014	PUBLISHED FOR OPPOSITION	
Feb. 26, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 19, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	70997
Feb. 06, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
Feb. 05, 2014	ASSIGNED TO LIE	
Jan. 31, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 29, 2014	DATA MODIFICATION COMPLETED	68552
Jan. 28, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	68552
Jan. 28, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	68552
Jan. 14, 2014	DIVISIONAL PROCESSING COMPLETE	
Dec. 17, 2013	DIVISIONAL REQUEST RECEIVED	
Dec. 23, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71034
Dec. 17, 2013	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Dec. 17, 2013	TEAS REQUEST TO DIVIDE RECEIVED	
Jul. 01, 2013	NOTIFICATION OF SUBSEQUENT FINAL EMAILED	

Jul. 01, 2013	SUBSEQUENT FINAL EMAILED	83704
Jul. 01, 2013	SUBSEQUENT FINAL REFUSAL WRITTEN	
Jul. 01, 2013	NOTIFICATION OF FINAL REFUSAL EMAILED	
Jul. 01, 2013	FINAL REFUSAL E-MAILED	
Jul. 01, 2013	FINAL REFUSAL WRITTEN	83704
Jun. 04, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 03, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 03, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 08, 2013	COMBINED EXAMINER'S AMENDMENT/PRIORITY ACTION ENTERED	68552
Apr. 05, 2013	NOTIFICATION OF EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Apr. 05, 2013	EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Apr. 05, 2013	EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED	83704
Mar. 04, 2013	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	88889
Mar. 04, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 04, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 04, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 04, 2013	TEAS VOLUNTARY AMENDMENT RECEIVED	
Feb. 19, 2013	NOTIFICATION OF PRIORITY ACTION E-MAILED	6326
Feb. 19, 2013	PRIORITY ACTION E-MAILED	6326
Feb. 19, 2013	PRIORITY ACTION WRITTEN	83704
Feb. 14, 2013	ASSIGNED TO LIE	68552
Feb. 07, 2013	ASSIGNED TO LIE	70997
Feb. 06, 2013	TEAS VOLUNTARY AMENDMENT RECEIVED	
Feb. 06, 2013	ASSIGNED TO EXAMINER	83704
Jan. 03, 2013	NOTICE OF DESIGN SEARCH CODE MAILED	
Jan. 02, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 18, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date In Location: Jul. 23, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Cool Gear International, LLC.

Assignment 1 of 1

Conveyance: GRANT OF A SECURITY INTEREST -- TRADEMARKS

Reel/Frame: 5429/0497

Pages: 7

Date Recorded: Dec. 24, 2014

Supporting Documents: [assignment-tm-5429-0497.pdf](#)

Assignor

Name: COOL GEAR INTERNATIONAL, LLC

Execution Date: Dec. 22, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: CERBERUS BUSINESS FINANCE, LLC, AS COLLATERAL AGENT

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 875 THIRD AVENUE
NEW YORK, NEW YORK 10022

Correspondent

Correspondent Name: S. KAREFF C/O SCHULTE ROTH & ZABEL LLP
Correspondent Address: 919 THIRD AVENUE
22ND FLOOR
NEW YORK, NY 10022

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 4

Type of Proceeding: Opposition

Proceeding Number: 9122259

Filing Date: Jun 05, 2015

Status: Pending

Status Date: Jun 05, 2015

Interlocutory Attorney: GEOFFREY MCNUTT

Defendant

Name: Copeland William C

Correspondent Address: COPELAND WILLIAM C
2233 KIM DR
CLARKSVILLE TN , 37043-1922
UNITED STATES

Correspondent e-mail: rockelluge@charter.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
COOL CHAIR PAK	Opposition Pending	86463973	
	Plaintiff(s)		

Name: Cool Gear International

Correspondent Address: ROBERTA JACOBS-MEADWAY
ECKERT SEAMANS CHERIN & MELLOTT LLC
60 S 16TH STREETTWO LIBERTY PLACE
PHILADELPHIA PA , 19102
UNITED STATES

Correspondent e-mail: rlacobsmeadway@eckertseamans.com , lpdocket@eckertseamans.com , lkirsch@eckertseamans.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
COOL-GEAR	Renewed	73679419	1497764
COOL GEAR	Cancelled - Section 8	76976945	2912611
COOL GEAR	Registered	85803131	4593618

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 05, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 05, 2015	Jul 15, 2015
3	PENDING, INSTITUTED	Jun 05, 2015	
4	P MOT FOR DEFAULT JUDGMENT	Jul 21, 2015	

Type of Proceeding: Opposition

Proceeding Number: 91222008

Filing Date: May 19, 2015

Status: Pending

Status Date: May 19, 2015

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: William C Copeland

Correspondent Address: WILLIAM C COPELAND
2233 KIM DR
CLARKSVILLE TN , 37043-1922
UNITED STATES

Correspondent e-mail: rockelluge@charter.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
COOL CHAIR BAG	Opposition Pending	86355721	

Plaintiff(s)

Name: Cool Gear International, LLC
Correspondent Address: ROBERTA JACOBS MEADWAY
 ECKERT SEAMANS CHERIN & MELLOTT LLC
 50 SOUTH 16TH STREET, 22ND FLOOR TWO LIBERTY PLACE
 PHILADELPHIA PA , 19102
 UNITED STATES

Correspondent e-mail: rjacobsmeadway@eckertseamans.com, lkirsch@eckertseamans.com, lpdocket@eckertseamans.com,
allelsher@eckertseamans.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
COOL-GEAR	Renewed	<u>73679419</u>	<u>1497764</u>
COOL GEAR	Cancelled - Section 8	<u>76976945</u>	<u>2912611</u>
COOL GEAR	Registered	<u>85803131</u>	<u>4593618</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 19, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 19, 2015	Jun 28, 2015
3	PENDING, INSTITUTED	May 19, 2015	
4	P MOT FOR DEFAULT JUDGMENT	Jul 06, 2015	

Type of Proceeding: Opposition

Proceeding Number: 91220879

Filing Date: Mar 02, 2015

Status: Terminated

Status Date: May 27, 2015

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: Ningbo Freewings Communication Technologies Co., Ltd.
Correspondent Address: AMANDA LI
 NO 3 TSUN WEN ROAD
 UNIT B5 1/F, TAK WING INDUSTRIAL BLDG
 TUEN MUN NT HONG KONG

Correspondent e-mail: info@l-mark.com.hk

Associated marks

Mark	Application Status	Serial Number	Registration Number
COOLWAVEZ	Abandoned - After Inter-Partes Decision	<u>86311413</u>	

Plaintiff(s)

Name: Cool Gear International LLC
Correspondent Address: JOSHUA L KIRSCH
 ECKERT SEAMANS CHERIN & MELLOTT LLC
 50 S 16TH STREET, 22ND FLOOR, TWO LIBERTY PLACE
 PHILADELPHIA PA , 19102
 UNITED STATES

Correspondent e-mail: lpdocket@eckertseamans.com, rjacobsmeadway@eckertseamans.com, lkirsch@eckertseamans.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
COOL-GEAR	Renewed	<u>73679419</u>	<u>1497764</u>
COOL GEAR	Cancelled - Section 8	<u>76976945</u>	<u>2912611</u>
COOL GEAR	Registered	<u>85803131</u>	<u>4593618</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 02, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 03, 2015	Apr 12, 2015
3	PENDING, INSTITUTED	Mar 03, 2015	
4	P MOT FOR DEFAULT JUDGMENT	Apr 21, 2015	
5	BD DECISION: SUSTAINED	May 27, 2015	

Type of Proceeding: Opposition

Proceeding Number: 91218671

Filing Date: Oct 03, 2014

Status: Terminated

Status Date: Feb 17, 2015

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Product Architects, Inc.

Correspondent Address: BETSY PROFFITT
HOLLAND & HART LLP
PO BOX 8749
DENVER CO , 80201-8749
UNITED STATES

Correspondent e-mail: doCKET@hollandhart.com , shavlick@hollandhart.com , hihamilton@hollandhart.com , bdproffitt@hollandhart.com , lmroot@hollandhart.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
COOL 1	Abandoned - After Inter-Partes Decision	86205374	
	Plaintiff(s)		

Name: Cool Gear International, LLC

Correspondent Address: ROBERTA JACOBS MEADWAY
ECKERT SEAMANS CHERIN & MELLOTT LLC
50 SOUTH 16TH STREET TWO LIBERTY PLACE, 22ND FLOOR
PHILADELPHIA PA , 19102
UNITED STATES

Correspondent e-mail: rjacobsmeadway@eckertseamans.com , jkirsch@eckertseamans.com , lpdocket@eckertseamans.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
COOL-GEAR	Renewed	73679419	1497764
COOL GEAR	Cancelled - Section 8	76976945	2912611
COOL GEAR	Registered	85803131	4593618

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 03, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 03, 2014	Nov 12, 2014
3	PENDING, INSTITUTED	Oct 03, 2014	
4	STIP FOR EXT	Nov 05, 2014	
5	EXTENSION OF TIME GRANTED	Nov 05, 2014	
6	ANSWER	Dec 12, 2014	
7	P MOT FOR EXT W/ CONSENT	Jan 07, 2015	
8	W/DRAW OF APPLICATION W/ CONSENT	Jan 16, 2015	
9	BD DECISION: DISMISSED W/O PREJ	Feb 17, 2015	
10	TERMINATED	Feb 17, 2015	

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Mark: COOL GEAR

COOL GEAR

US Serial Number: 86184746

Application Filing Date: Feb. 05, 2014

US Registration Number: 4639939

Registration Date: Nov. 18, 2014

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Nov. 18, 2014

Publication Date: Sep. 02, 2014

Mark Information

Mark Literal Elements: COOL GEAR

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "GEAR"

Related Properties Information

Claimed Ownership of US Registrations: 1497764, 2912611, 3655486

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Water filtration bottles sold empty; replacement filters for water filtration bottles

International Class(es): 011 - Primary Class

U.S Class(es): 013, 021, 023, 031, 034

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 05, 2009

Use In Commerce: Nov. 05, 2009

For: plastic lids and plastic caps for beverage containers, namely, reusable self-sealing lids for household use for cups, containers and the storage of food

International Class(es): 020 - Primary Class

U.S Class(es): 002, 013, 022, 025, 032, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 10, 2001

Use In Commerce: Jan. 10, 2001

For: Plastic water bottles sold empty; plastic drinkware and beverage ware, namely, plastic drinking glasses, plastic shot glasses, plastic old-fashioned glasses, plastic margarita glasses, plastic tumblers, plastic pilsners and plastic beer mugs; plastic food and beverage storage containers; kids products, namely, plastic squeezable drinking bottles sold empty and parts and fittings therefor, namely, valves and lids sold as a unit, plastic sipper bottles sold empty and parts and fittings therefor, namely, valves and lids sold as a unit, and household plastic cereal containers for cereal and milk and parts and fittings therefor, namely, lids and folding spoon sold together as a unit therewith; plastic beverage containers for household use sold with lids therefor; plastic travel mugs; plastic food storage containers sold empty; storage containers for household use; plastic drinking straws; freezable gel sticks for household use in the nature of cold packs used to keep food and drink cold

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 10, 2001

Use In Commerce: Jan. 10, 2001

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Cool Gear International, LLC
 Owner Address: 10 Cordage Park Circle, Suite 212
 Plymouth, MASSACHUSETTS 02360
 UNITED STATES
 Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record	
Attorney Name: Roberta Jacobs-Meadway	Docket Number: 297799-00023
Attorney Primary Email Address: lpdocket@eckertseamans.com	Attorney Email Authorized: Yes
Correspondent	
Correspondent Name/Address: ROBERTA JACOBS-MEADWAY ECKERT SEAMANS CHERIN & MELLOTT, LLC 50 SOUTH 16TH STREET TWO LIBERTY PLACE, 22ND FLOOR PHILADELPHIA, PENNSYLVANIA 19102 UNITED STATES	
Phone: 215-851-8522	Fax: 215-851-8383
Correspondent e-mail: lpdocket@eckertseamans.com rjacobsmeadway@eckertseaman.com lnocella@eckertseamans.com	Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 26, 2015	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Feb. 26, 2015	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 07, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 18, 2014	REGISTERED-PRINCIPAL REGISTER	
Sep. 02, 2014	PUBLISHED FOR OPPOSITION	
Aug. 22, 2014	NOTICE OF PUBLICATION	
Aug. 13, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 31, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Jul. 31, 2014	ASSIGNED TO LIE	70633
Jul. 21, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 19, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 18, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 18, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 13, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 13, 2014	NON-FINAL ACTION E-MAILED	6325
May 13, 2014	NON-FINAL ACTION WRITTEN	72004
May 13, 2014	ASSIGNED TO EXAMINER	72004
Feb. 26, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 15, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 08, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date In Location: Nov. 18, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Cool Gear International, LLC

Assignment 1 of 1

Conveyance: GRANT OF A SECURITY INTEREST - TRADEMARKS

Reel/Frame: 5429/0497

Pages: 7

Date Recorded: Dec. 24, 2014

Supporting Documents: assignment-tm-5429-0497.pdf

Assignor

Name: COOL GEAR INTERNATIONAL, LLC

Execution Date: Dec. 22, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Assignee

Name: CERBERUS BUSINESS FINANCE, LLC, AS COLLATERAL AGENT

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Address: 875 THIRD AVENUE
NEW YORK, NEW YORK 10022

Correspondent

Correspondent Name: S. KAREFF C/O SCHULTE ROTH & ZABEL LLP

Correspondent Address: 919 THIRD AVENUE
22ND FLOOR
NEW YORK, NY 10022

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